

FILED
IN THE UNITED STATES DISTRICT COURT FOR THE
THE DISTRICT OF MASSACHUSETTS

2004 AUG 12 P 12:16
DOCKET NO. 04-10862-GAO

JOSEPH E. MCCAIN,
PLAINTIFF,

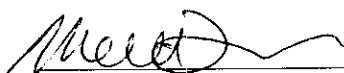
VS.

THE CITY OF NEWBURYPORT,
THOMAS H. HOWARD, INDIVIDUALLY AND AS
CITY MARSHALL FOR THE CITY OF NEWBURYPORT,
BRIAN BRUNAULT AND NEXTEL COMMUNICATIONS OF
THE MID ATLANTIC, INC.,
DEFENDANTS.

STIPULATION OF DISMISSAL WITH PREJUDICE

NOW COME the plaintiff in the above matter and stipulates that this action may be dismissed with prejudice, without costs and waiving all rights of appeal as to Nextel Communications of the Mid Atlantic, Inc.

Respectfully submitted,
Joseph E. McCain,
By his attorneys,



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Dated: August 10, 2004